IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 20561 of 2005(W)

AGAINST THE ORDER IN OS 2 / 2004 IN EP.4/2005 of MUNSIFF'S COURT, PALA

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PETITIONER:

N.T.FRANCIS, S/O.THOMAS,
NILACKAPPALLIL HOUSE, VALLICHIRA VILLAGE,
MEENACHIL TALUK, KUDAKKACHIRA P.O.

BY ADV. SRI.M.NARENDRA KUMAR
SMT.LEENA KRISHNAN

RESPONDENT:

THE SOUTH INDIAN BANK LIMITED,
UZHAVOOR BRANCH, UZHAVOOR VILLAGE,
REPRESENTED BY BRANCH MANAGER.

BY ADV. SRI. K.PRABHAKARAN, SC, SOUTH INDIAN BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.20561 of 2005

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Dated: 27th June, 2007

JUDGMENT

Ext.P2 order passed by the execution court allowing two execution applications filed by the petitioner on condition that the petitioner pays a sum of Rs.10,000/- within 15 days is under challenge. The grounds raised by the petitioner is that the condition imposed by the execution court is onerous . Obviously noticing that ground while admitting the Writ Petition this court passed an interim order that Ext.P2 will stand modified to the extent of directing the petitioner to pay a sum of Rs.5,000/- within two weeks from 11.7.2005 instead of Rs.10,000/-. Learned counsel for the petitioner seeks time to verify whether the above payment has been made. But I am of the view that having regard to the grounds raised in the Writ Petition, this Writ Petition can be disposed of confirming the interim order dated 11.7.2005 passed in this case. In other words, if the petitioner has paid Rs.5,000/- within two weeks from 11.7.2005, Ext.P2 will stand modified to the extent indicated above and E.A.Nos.91/05 and 92/05 will stand allowed. If the above payment is

not made by the petitioner, Ext.P2 will continue to operate.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**